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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,858	04/09/2001	Vijay Raghavan Chetty	5237P001	9480

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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,858

Applicant(s)

CHETTY, VIJAY RAGHAVAN

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 33-59, 62-65 and 76-80 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-32, 60, 61, 66-75 and 81-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 11 and 13-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilling in view of Kawan and Miyake, newly recited reference.

Regarding claims 11,13,20-22,25-32, Schilling discloses a method (col. 18 claims 13 and 14) for transmitting information between a hand- held portable unit (radio personal computer)(fig. 16) and an entity (debit/credit card) (col. 2 line 59 through col. 3 line 29), comprising: establishing communications by the entity with the hand-held portable unit (col. 4 lines 11-30), the portable unit comprises internal memory including a first area to contain user information (col.

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6 lines 25-29); verifying and authenticating a user of the portable unit upon receiving at least a portion of the user information from the portable unit (credit and personal access number/PIN (col. 6 lines 25-29 and col. 14 lines 53-56), and the user information being subsequently provided by the portable unit to a end station (financial institution)(business entity) independent from the entity for identification of the user during a transaction (col. 4 line 67 through col. 5 line 19). Schilling differs from claim 11 and 21 of the present invention in that it does not explicit disclose uploading user information into the portable unit only after the user is verified and authenticated, verify and authenticating a user of the portable by the entity located at a first location and sent to a business entity at a second location different from the first entity and denying access to the information if the user is unable to be verified and authenticated. Kawan teaches a personal digital assistant (PDA) wherein uploading smart card data (user information) into the portable unit only after the user is verified and authenticated (fig. 7 and paragraph 0028), and denying access to the information if the user is unable to be verified and authenticated (i.e. inherent, if the user does not enter the correct PIN, as taught in paragraph 0028 and paragraph 0030). Miyake teaches verify and authenticating a user credit

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IC card of the portable (3) by the entity (24) located at a first location (13) (fig.1) and sent to a retail (business) entity (14) at a second location different from the first entity (fig. 9 and col. 8 line 65 through col. 9 line 50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schilling with uploading user information into the portable unit only after the user is verified and authenticated, verify and authenticating a user of the portable by the entity located at a first location and sent to a business entity at a second location different from the first entity and denying access to the information if the user is unable to be verified and authenticated in order for the user of the personal portable computer to be authenticated before access of the debit or credit card information when purchasing a gift from a retail store thereby preventing fraudulent purchasing of merchandise by an unauthorized user, as taught by Schilling and Miyake.

Regarding claim 14, Schilling discloses receiving for review user identification information printed on a separate Document (col. 7 lines 47-53).

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Regarding claims 15-19, Schilling discloses the uploading of the user information includes accessing records stored on a computer of the entity and uploading the user information into the portable unit via an input/output port of the portable unit (fig. 1, fig. 2, fig. 5 and fig 16. and its description).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schilling in view of Kawan and Miyake as applied to claim 11 above and in further view of Ramachandran.

Regarding claim 12, the combination of Kawan and Miyake differs from claim 12 of the present invention in that they do not disclose the user information includes a drivers license number of the user. Ramachandran teaches portable terminal wherein user information includes a driver license number (col. 3 line 66 through col. 4 line 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Kawan and Ramachandran with the user information includes a drivers license number of the user in order for the end station to verify the wireless telephone when crediting its account, as taught by Ramachandran.

5. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawan in view of Burger et al., newly recited reference.

Regarding claim 60, Kawan discloses a method for accessing user information downloaded into a hand-held portable unit fig. 7 and fig. 8), comprising: selecting a key from a keypad of the hand-held portable unit to access user transaction information stored in a protected area of internal memory (i.e. a loaded SIM card within the portable unit) within the portable unit and incapable of being modified by a user of the portable unit

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(paragraph 0028 lines 1-23); selecting a function (performing financial transaction) to retrieve the user transaction information from memory within the portable unit (paragraph 0028 lines 16-23); and transmitting the user transaction information to an input/output interface of the portable unit for transmission to a ATM terminal (point-of-sale) (POS) system (paragraph 0029 lines 1-18). Kawan differs from claim 60 of the present invention in that it does not disclose preloading user information within a non-removeable memory, pressing a depressing a key to retrieve from the internal memory. Burger et al. teaches preloading user information within a non-removeable memory (col. 14 lines 14-65), pressing a depressing a touch screen (i.e. same the function as Kawan selection key, discussed above) to retrieve from the internal memory (col. 15 lines 60-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawan with preloading user information within a non-removeable memory, pressing a depressing a key to retrieve from the internal memory in order to provide the personal digital assistance with preloaded user information on permanent memory which prevents the loss of smart cards and selecting from the PDA internal memory for transferring information with the ATM, as taught by Burger et al..

6. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawan in view of Burger et al. as applied to claim 60 above and further view of Schilling.

Regarding claim 61, the combination of Kawan and Burger et al. differs from claim 61 of the present invention in that they do not explicit disclose the user transaction information includes a credit card number and expiration date. Schilling teaches user transaction information includes debit/credit card information (col. 2 lines 63-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Kawan and Burger et al. with the user transaction information includes a credit card number and expiration date in order for the ATM machine to verify the PDA account information and expiration date when

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determining when the user of the PDA account is good or expired for service, as taught by Schilling.

7. Claim 66-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran in view of Burger et al..

Regarding claims 66-72, Ramachandran discloses a method (col. 27 lines 35 through col. 30 line 17) comprising authenticating a user of a portable unit (fig. 82 and 83 and description), the portable unit comprises a display (fig. 1 number 22), a wireless transceiver (wireless modem) (col. 9 lines 8-12), a processing unit (fig. 4 number 36) and a non-volatile memory contained within a casing (fig. 4 number 48); and uploading drivers license information into the portable unit for storage within the memory (col. 4 lines 29-35). Ramachandran differs from claims 66 and 70 of the present invention in that it does not explicit disclose the drivers license information includes a digital picture of the user, a user name and a drivers license number. Burger et al. teaches a pocket volt device (102) comprising drivers license insignia (information includes a digital picture of the user, a user name and a drivers license number) (col. 10 lines 17-28 and col. 14 lines 24-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ramachandran with the drivers license information

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includes a digital picture of the user, a user name and a drivers license number in order for the portable unit to send its drivers identification information along with its credit card information when purchasing merchandise, as taught by Burger et al..

Regarding claim 73-75, Ramachandran discloses a method (col. 27 lines 35 through col. 30 line 17) comprising authenticating a user of a portable unit (fig. 82 and 83 and description), the portable unit being a cellular phone (fig. 3 and col. 9 lines 35-42), the portable unit comprises a display (fig. 1 number 22), a wireless transceiver (wireless modem) (col. 9 lines 8-12), a processing unit (fig. 4 number 36) and a non-volatile memory contained within a casing (fig. 4 number 48); and uploading drivers license information and credit card information into the portable unit for storage within the memory (col. 4 lines 29-35). Ramachandran differs from claim 73 of the present invention in that it does not explicit disclose the drivers license information includes a digital picture of the user, a user name and a drivers license number. Burger et al. teaches a pocket volt device (102) comprising drivers license insignia (information includes a digital picture of the user, a user name and a drivers license number) (col. 10 lines 17-28 and

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col. 14 lines 24-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ramachandran with the drivers license information includes a digital picture of the user, a user name and a drivers license number in order for the portable unit to send its identification information along with credit information when purchasing merchandise, as taught by Burger et al..

8. Claims 81-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valliani et al. in view of Burger et al..

Regarding claims 81-84, Valliani et al. discloses a method (claim 12) for transmitting information between a hand-held portable unit (fig. 1 number 10 and description) and a remote host (business entity) (fig. 1 number 75 and description), comprising: verifying and authenticating a user of a portable unit by a business entity (col. 6 lines 20-56), the portable unit comprises internal memory including a first area to contain user transaction information (fig. 1 number 30 and 40 and description); and uploading the user transaction information from the portable unit to the business entity if the user is verified and authenticated (col. 6 lines 20-56), the user transaction information includes card information including at least one of (i) a name on a card, (ii) a picture of the card holder, or (iii) a card number and an expiration date (fig. 2 number 230). Valliani et al. differs from claim 81 of the present invention in that it does not disclose a second area including security feature and authenticating by the portable unit. Burger et al. teaches a pocket vault which authenticates a user by comparing a PIN number stored within before access to computers (108, 110 and 112) (business entity) (col. 10 line 40 through col. 11 line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Valliani et al. with discloses a second area including security feature and authenticating by the portable unit in order to authenticate the user of the hand held portable

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unit to verify the user is authorized owner when purchasing a merchandise from a retailer, as taught by Burger et al..

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Keith Ferguson
Art Unit 2617
September 29, 2006

KEITH FERGUSON
PRIMARY EXAMINER

